

22 APR 2016

Damian Wilson
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Tēnā koe Mr Wilson

Official Information Act 1982 request

Thank you for your Official Information Act 1982 request of 28 March 2016, requesting information on cases relating to section 78 of the Care of Children Act 2004 (the Act).

It is important to note a person may face more serious charges alongside a charge under section 78 of the Act. For example, if someone faces assault charges alongside contravening or preventing compliance with a parenting or guardianship order the sentence will reflect the gravity of the overall offending.

Please see the attached two tables in response to your request. All of these matters were heard in the District Court.

Charges under section 78 of the Act carry a maximum sentence of up to three months' imprisonment or a fine of up to \$2,500. However, I am unable to provide the average sentences due to the small number of people convicted. Accordingly this information is withheld pursuant to section 9(2)(a) of the Official Information Act in order to protect the privacy of natural persons.

If you require any clarification of the information contained in this response please contact Antony Paltridge, Team Leader, Media and External Relations, at media@justice.govt.nz or call (04) 918 8980.

If you are not satisfied with my response to your request, you have the right to make a complaint to the Ombudsman under section 28(3) of the Official Information Act. The Ombudsman may be contacted by writing to PO Box 10-152, Wellington.

Heoi anō, nā



 Tony Fisher
General Manager, District Courts

Ref: 56666

Table 1: Number of people charged with an offence under s78 of the Care of Children Act 2004, by gender and outcome

Gender	Charge Outcome	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Female	Convicted	0	2	4	2	3	2	1	3	5	4
	Discharge without Conviction	0	0	0	0	0	0	0	0	0	2
	Not Proved	1	0	1	1	1	0	1	3	0	3
Male	Convicted	1	2	4	5	8	5	10	11	5	10
	Discharge without Conviction	0	0	1	0	0	1	0	2	1	0
	Not Proved	1	1	2	4	3	5	4	3	1	5
Total		3	5	12	12	15	13	16	22	12	24

Table 2: Number of people convicted of an offence under s78 of the Care of Children Act 2004, by gender and most serious sentence received

Gender	Most Serious Sentence	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Female	Intensive Supervision	0	0	0	0	0	0	0	0	1	0
	Community work	0	0	0	0	0	0	0	0	2	1
	Supervision	0	0	0	0	0	1	0	0	0	2
	Monetary	0	0	0	0	0	0	0	0	0	1
	Deferment	0	1	3	2	3	1	1	0	2	0
	Discharge	1	1	2	1	1	0	2	4	2	5
	Imprisonment	0	1	0	0	0	0	3	1	0	4
	Home Detention	0	0	0	0	0	0	1	0	1	1
	Community work	0	0	1	2	2	2	2	2	0	1
	Monetary	0	0	1	1	1	0	0	0	0	0
Male	Deferment	1	1	2	2	4	2	3	4	2	2
	Discharge	1	1	3	4	4	7	5	7	4	7
	Total	3	5	12	12	15	13	16	22	12	24

Note: Judges are given discretion under the Sentencing Act 2002 to impose a community sentence in place of a fine (section 15) or a home detention sentence in place of an imprisonment sentence (section 80a).